

Appl. No. 10/759,767  
Amdt. dated Aug 18, 2004  
Reply to Office Action of May 28, 2004

### **REMARKS/ARGUMENTS**

1) The amendments requested to the specification point out the details of the continuity between the present application and the chain of earlier patent/patent applications.

2) Applicant believes that the new abstract of disclosure fulfills the requirements of MPEP § 608.01(b).

3) Claims 1 to 3, 5 to 24 remain in this application. Claims 23, 24 are new. Claim 4 has been cancelled.

The examiner has acknowledged that claims 5, 8, 15, 16 and 20 are directed to allowable subject matter and applicant thanks the examiner for such indication.

4) Claim rejection - 35 USC §112:

The examiner has rejected claims 7 and 8 under 35 U.S.C. 112, second paragraph, as being indefinite for mentioning an element "the opening" lacking antecedent basis.

Currently amended Claim 1, on which claims 7 and 8 depend, now specifies that the hollow upper portion of the shaft has "an upper opening".

5) Double patenting rejection:

The examiner has rejected claims 11, 13, and 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5 and 9 of U.S. Patent N° 6,689, 042.

This rejection is made moot as now claims 11, 13 and 17 depend from claim 1 which has been amended to include most of the subject matter of initial claim 5 and intervening claim 4.

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6) Claim rejection - 35 USC §102(a):

The examiner has rejected claims 1-4, 6 and 7 under 35 U.S.C. 112 as being anticipated by Unger et al patent 5,114,396.

Claim 1 has been amended so as to include most of the subject matter of initial claim 5 and intervening claim 4, which the examiner has considered patentable. Claim 2, 3, 6 and 7 directly or indirectly depend on claim 1. The rejection thereof is now therefore moot.

7) Claim rejection - 35 USC §103(a)

The examiner has rejected claims 9-14, 17-19, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Unger et al patent 5,114,396 in view of Unger et al patent 4,950,401.

Claim 9 depends on claim 1, now believed allowable. The rejection is therefore moot.

Claim 10 has been amended so as to substantially include most of the subject matter of initial claim 15 and intervening claim 11, which the examiner has considered patentable. The subject matter of claim 10 has been further distinguished from the references cited by specifying that the container is oblong and so design as to receive the at least one secondary container in a substantially upright position.

Claims 11 to 14, 17 to 19, 21 and 22 directly or indirectly depend on claim 10. The rejection thereof is now therefore moot.

8) New claims 23, 24.

New independent claim 23 substantially corresponds to former claim 1, which has been further distinguished from the references cited by specifying that:

- the central compartment is oblong and so design as to receive the at least one secondary container in a substantially upright position; and

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- the separation compartment for receiving the separation bag has a frusto-conical support surface that flares from the upper opening of the central compartment (this corresponds to most of the subject matter of initial claim 8 and intervening claim 6, which the examiner has considered patentable).

None of the references cited disclose either of these characteristics, whose unique combination results in a centrifuge having a very compact rotor (reduced diameter).

New independent claim 24 corresponds to most of former claim 10, in which the subject matter of claim 20 has been incorporated. The examiner has considered claim 20 allowable.

All of the objections/rejections presented in the Office Action of May 28, 2004, have hereby been fully obviated/traversed, and can thus be withdrawn. Action to this end is respectfully requested so that claims 1, 10, 23 and 24 may then all be allowed and this case passed to issue. If there are any questions, or if prosecution can be expedited in any manner by a telephonic conference, the Examiner is urged to call the undersigned at the below-printed telephone number

It is also believed that no fees are due in connection with the filing of this Response, but if any are determined to be required, Applicants hereby provide authorization to charge deposit account number 03-2316 for such fees.

Respectfully submitted,

By 

Edna M. O'Connor  
Reg. No. 29252  
(303) 205-2560